464

NOTIFICATION.

No. L.D. 1155, Bangalore, dated 14th March 1951

Under Rule 36 of the Mysore Legislative Rules, The Mysore Inam Villages (Abolition of Inam Tenure) Bill, 1951, together with Statement of objects and reasons, is published for general information.

THE MYSORE INAM VILLAGES (ABOLITION OF INAM TENURE) BILL, 1951.

A Bill to provide for the abolition of inam tenure of inam villages in the State of Mysore.

WHEREAS it is expedient to provide for the abolition of inam tenure of inam villages in the State of Mysore and for other matters connected therewith: Preamble.

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY.

1. (1) This Act may be called the Mysore Inam Villages (Abolition of Inam Tenure) Act, 195 . Short title, extent, application and commencement.

(2) It extends to the whole of the State of Mysore.

(3) It applies to all inam villages in the State including the Sringeri and Yelandur Jahagirs.

(4) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,— Definition.

(1) all words and expressions defined in the Land Revenue Code shall have the same respective meanings as in that Code with the modifications, made by this Act;

(2) "Appellate Tribunal" means the Appellate Tribunal constituted under section 30;

(3) "date of vesting" means, in relation to an inam village vested in the State, the date of publication in the *Mysore Gazette* of the notification under sub-section (1) of section 3 in respect of such inam village;

(4) "Deputy Commissioner", includes any officer authorised by the State Government by notification in the *Mysore Gazette* to exercise the powers of a Deputy Commissioner under this Act;

(5) "Government", means the State Government;

(6) "inamdar" means a person holding in trust or owning for his own benefit an inam village and includes the successors in interest of an inamdar, and

(i) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee or other legal curator;

(ii) where an inamdar is a joint Hindu family, such joint Hindu family;

(7) "Inam village" means an alienated village whether Sarvamanya, Jodi or Khayamgutta;

(8) "Kadim tenant" means a tenant as defined in section 84 of the Land Revenue Code;

(9) "Khas possession" used with reference to the possession of an inamdar of an inam village of any land used for agricultural or horticultural purposes means the possession of such inamdar by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his own servants or by hired labour or with hired stock, continuously for a period of not less than six years prior to the first day of July, 1948;

Explanation:—"Land used for horticultural purposes" means land used for the purpose of growing fruits, flowers or vegetables.

(10) "Land Revenue Code" means the Mysore Land Revenue Code, 1888;

(11) "minor inam" means an alienated holding other than an inam village, situated in an inam village;

(12) "notification" means a notification published in the *Mysore Gazette*;

(13) "permanent tenant" means a person who either under section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural or horticultural purposes, the duration of which is co-extensive

with the duration of the tenure of the inamdar of the inam village ;

(14) "prescribed" means prescribed by rules made by the Government under this Act ;

(15) "quasi-permanent tenant" means a person who has been in continuous possession of any land used for agricultural or horticultural purposes in an inam village by cultivating such land or carrying on horticultural operations thereon himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than six years prior to the first day of July, 1948 ;

(16) "Special Tribunal" means a Special Tribunal constituted under section 29.

CHAPTER II

VESTING OF AN INAM VILLAGE IN THE STATE AND ITS CONSEQUENCES.

Notification vesting an inam village in the State.

3. (1) The Government may from time to time, by notification, declare that any inam village specified in notification, has passed to and become vested in the State.

(2) The notification under sub-section (1) shall be published in the *Mysore Gazette* in English and Kannada and such publication shall be conclusive proof of the due publication thereof.

Consequences of the vesting of an inam village in the State.

4. Notwithstanding anything contained in any contract grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting, and save as otherwise expressly provided in this Act, the following consequences shall ensue, namely :—

(*a*) the provisions of the Land Revenue Code relating to alienated villages shall be deemed to have been repealed in their application to the inam village ;

(*b*) the entire inam village (including all communal lands, cultivated lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests ; mines and minerals, quarries ; rivers and streams ; tanks and irrigation works ; fisheries and ferries) shall vest absolutely in the State of Mysore,

free from all encumbrances ; and the provisions of the Land Revenue Code and all other enactments applicable to unalienated villages shall apply to the said village ;

(*c*) the inamdar shall cease to have any interests in the inam village other than the interests expressly saved by or under the provisions of this Act ;

(*d*) all arrears of rent or land revenue, including royalties, and all cesses together with interest, if any, due thereon for any period prior to the date of vesting, which were recoverable in respect of the inam village and the recovery of which was not barred by any law of limitation shall vest in, and be recoverable by, the State, and all rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam village on or after the date of vesting shall be payable to the State and not to the inamdar and any payment made in contravention of this clause shall not be valid ;

Explanation :—For the purposes of this clause, the expression "arrears of rent or land revenue" shall include arrears in respect of which suits were pending on the date of vesting or in respect of which decrees were obtained before the date of vesting and have not been satisfied and are not barred by limitation, and shall also include the costs allowed by such decrees ;

(*e*) all arrears of revenue, whether as jodi, quit-rent, or khayamgutta, and cesses, remaining lawfully due on the date of vesting in respect of any such inam village shall after such date continue to be recoverable from the inamdar by whom they were payable and shall, without prejudice to any other mode of recovery, be recoverable by the deduction of the amount of such arrears and cesses from the compensation money payable to such inamdar under this Act, when so ordered by the Deputy Commissioner ;

(*f*) no such inam village shall be liable to attachment or sale under the processes of any court and any order of attachment passed in respect of such

village before the date of vesting shall be vacated ;

(*g*) the Government may, after removing any obstruction that may be offered, forthwith take possession of the inam village, and all accounts, registers, pattas, mutchalikas, maps, plans and other documents relating to the village which the Government may require for the administration thereof :

Provided that the Government shall not dispossess any person of any land in the village in respect of which they consider that he is *prima facie* entitled to be registered as the occupant or as the holder of a minor inam ;

(*h*) the inamdar and any other person whose rights have vested in the State of Mysore under clause (*b*) shall be entitled only to compensation from the Government as provided in this Act ;

(*i*) the relationship of landlord and tenant shall, as between the inamdar and a kadim tenant, permanent tenant, quasi-permanent tenant, or any other tenant be extinguished ;

(*j*) the relatioship of superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam be extinguished ;

(*k*) kadim tenants, permanent tenants, quasi-permanent tenants and any other tenants in the inam village and persons holding under them and holders of minor inams shall, as against the Government, be entitled only to such rights and privileges and subject to such conditions as are provided for by or under this Act ; and any other rights and privileges which may have accrued to them in the village before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the Government or such inamdar.

Kadim tenants to be registered as occupants of their holdings.

5. (1) Every *kadim* tenant in an inam village, other than a kadim tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands which,

immediately before the date of vesting, were properly included in his holding:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July, 1948 shall, except where the Deputy Commissioner, after an examination of all the circumstances otherwise directs, be entitled to be registered as occupant in respect of such land.

(2) Nothing in this Act shall affect any right created by the kadim tenant in any land included in his holding.

Permanent tenants to be registered as occupants on payment of premium.

6. (1) Subject to the provisions of sub-section (2), every permanent tenant in an inam village, other than a permanent tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July, 1948 shall, except where the Deputy Commissioner, after an examination of all the circumstances otherwise directs, be entitled to be registered as occupant in respect of such land.

(2) No permanent tenant shall be registered as an occupant of any land under sub-section (1), unless he undertakes in writing to pay, in addition to the annual land revenue payable in respect of the land, as premium, ten times such land revenue, to the Government. The amount of premium shall be payable with the annual land revenue in not more than ten instalments, and in default of such payment, the amount due shall be recoverable as an arrear of land revenue due on the lands in respect of which it is payable.

Quasi-permanent tenants to be registered as occupants on certain conditions.

7. (1) Subject to the provisions of sub-section (2), every quasi-permanent tenant in an inam village, other than a quasi-permanent tenant in a minor inam, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a quasi-permanent tenant immediately before the date of vesting.

(2) No quasi-permanent tenant shall be registered as an occupant of any land under sub-section (1) unless he undertakes in writing—

(*a*) to pay to the Government in addition to the annual land revenue payable in respect of the land, as upset price, an amount equal to ten times the average annual net income of the inamdar from the land during the period of six years prior to the first day of July, 1948, in not more than ten annual instalments ; and

(*b*) not to alienate or in any manner encumber the said land before the upset price is fully paid.

Explanation :—For purposes of this sub-section, the average annual net income of the inamdar from any land shall be calculated in such manner as may be prescribed.

(3) Any sale, mortgage or other alienation of land, of which a quasi-permanent tenant is registered as an occupant, before the upset price payable under sub-section (2) is fully paid, shall, notwithstanding anything contained in the Land Revenue Code, or any other law, be void and of no effect.

(4) On the failure of the quasi-permanent tenant,

(*a*) to give an undertaking as required by sub-section (2), the Government shall register the inamdar as the occupant of such land ;

(*b*) to pay the upset price or any portion thereof in accordance with his undertaking under sub-section (2), the Government shall forfeit the occupancy of the quasi-permanent tenant and register the inamdar as the occupant of such land :

Provided that any portion of the upset price paid by the quasi-permanent tenant shall be refunded to him.

Inamdar to be registered as occupant of khas lands.

8. (1) Every inamdar, not being a religious, educational or charitable institution, shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands in his *khas* possession and of all cultivable lands over which the inamdar has raised plantations of casuarina or other fuel trees or timber, by himself or by his own servants or hired labour.

(2) Where the inamdar is a religious, educational or charitable institution, such inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all agricultural lands the produce in kind from which was used for the maintenance of such institution.

Holders of minor inams to be registered as holders of lands included in their holding.

9. (1) Every holder of a minor inam in an inam village shall, with effect from the date of vesting, be entitled to be registered as the holder of all lands which, immediately before the date of vesting, were properly included in his holding.

(2) In respect of any land of which a person is registered as a holder under sub-section (1), all rights and obligations of the inamdar shall, on or after the date of vesting, be enforceable by or against the Government.

Determination of lands of which a kadim tenant, a permanent tenant, a quasi-permanent, and an inamdar are entitled to be registered as occupants and a holder of a minor inam is entitled to be registered as a holder.

10. The Deputy Commissioner shall examine the nature and history of all lands in respect of which a kadim tenant, a permanent tenant, a quasi-permanent tenant, or an inamdar claims to be registered as occupants under section 5, 6, 7, or 8 or the holder of a minor inam claims to be registered as holder under section 9, as the case may be, and decide in respect of which lands the claim should be allowed.

Liability to pay land revenue to Government.

11. (1) Every person whether a kadim tenant, a permanent tenant, a quasi-permanent tenant, or an inamdar who becomes entitled to be registered as an occupant under section 5, 6, 7 or 8 in respect of any land shall, with effect on and from the date of vesting, be liable to pay to the Government as land revenue,

(*a*) in the case of an inam village to which survey and settlement has been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment fixed on such land during such survey and settlement;

(*b*) in the case of an inam village to which survey and settlement has not been introduced under section 113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such enquiry as he thinks fit, determine the land revenue payable under clause (*b*) of sub-section (1).

Vesting of buildings situated in inam villages.

12. (1) Every building situated within the limits of an inam village which, immediately before the date of vesting, belonged to the inamdar thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the date of vesting.

(2) Every building so situated which immediately before the date of vesting, belonged to any such inamdar and the whole or principal part whereof was then in the occupation of any religious, educational or charitable institution or was then being used as a chavadi or village hall, shall also vest in the Government, free of all encumbrances, with effect on and from the date of vesting:

Provided that when such institution ceases to exist, the building shall revert to such inamdar, or if he is dead, to his heirs or legal representatives.

(3) Where any building so situated—

(*a*) which belonged to any such inamdar on the first day of July, 1948; and

(*b*) (i) which on that date was being used by him as an office in connection with the administration of the inam village, and for no other purpose, or

(ii) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institutions,

has after the first day of July, 1948, and before the date of vesting,

(*a*) been sold or made gift of, by the inamdar, the value of the building shall be assessed by the Deputy Commissioner in such manner as may be

prescribed and the amount so assessed shall be deducted from the compensation payable to the inamdar under this Act, or

(*b*) ceased to be used, by the inamdar as an office as aforesaid, or ceased to be in the occupation of such institution, the building shall, at the option of the inamdar, vest in the Government, or the value of the building shall be assessed by the Deputy Commissioner in such manner as may be prescribed and the amount so assessed shall be deducted from the compensation payable to the inamdar under this Act.

(4) Every building other than a building which vests in the Government under the provisions of sub-section (1), (2) or (3), shall, with effect on and from the date of vesting, vest in the person who owned it immediately before that date.

(5) In this section "building" includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

Right to agricultural land used for non-agricultural purposes.

13. Where any land used for agricultural purposes has been converted for any purpose unconnected with agriculture, the holder of such land shall be entitled to keep the land, subject to the payment by him to the Government of the assessment which may be imposed upon the land:

Provided that such conversion was not void or illegal under any law in force at the time.

Savings of rights of certain lessees and others.

14. (1) In cases not governed by sections 12 and 13 where before the date of vesting, an inamdar has created any right in any land (whether by way of lease or otherwise) including rights in any forest, mines or minerals, quarries, fisheries or ferries, the transactions shall be deemed to be valid, and all rights and obligations arising thereunder, on or after the date of vesting, shall be enforceable by or against the Government:

Provided that the transaction was not void or illegal under any law in force at the time.

Provided also that where such right was created in any cultivable land, unless it relates to land in the *khas*

possession of the inamdar, the Government may, if, in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person whose right has been terminated by the Government under the foregoing proviso, shall be entitled to compensation from the Government equal to the estimated net income to such person from the land for the unexpired portion of the period for which the right was created having regard to all the circumstances of the case.

CHAPTER III

DETERMINATION, APPORTIONMENT AND PAYMENT OF COMPENSATION.

Compensation how determined.

15. The compensation payable in respect of an inam village shall be determined in accordance with the provisions of this Chapter.

Compensation to be determined for the village as a whole.

16. The compensation shall be determined for the inam village as a whole, and not separately for each of the interests therein.

Basic annual sum.

17. A sum called the basic annual sum shall first be determined in respect of the inam village.

Component parts of basic annual sum of an inam village.

18. (1) The basic annual sum of an inam village shall be the aggregate of the sums specified below, less the deduction specified in section 19,

(i) in the case of an inam village to which—

(*a*) survey and settlement has been introduced under section 113 of the Land Revenue Code, the whole of the gross assessment on all lands including lands in the *khas* possession of the inamdar;

(*b*) survey and settlement has not been introduced under section 113 of the Land Revenue Code, one and a half times the recorded value of the village as per the inam settlement;

(ii) the whole of the average net annual income from forests in the inam village during a period of ten years immediately preceding the date of vesting :

Provided that—

(*a*) the income from sandalwood or any other reserved forest produce shall not be included in the annual income from forests under this clause unless the right thereto has been specifically conferred on the inamdar by a competent authority;

(*b*) the income from plantations of casuarina and other fuel trees or timber raised by the inamdar by himself or by his own servants or by hired labour, shall not be included in the annual income from forests under this clause;

(iii) the whole of the average net annual income from "Amarai" derived by the inamdar from trees during a period of five years immediately preceding the date of vesting :

Provided that the "Amarai" income from trees situated on lands in respect of which the inamdar or a tenant is entitled to be registered as an occupant under this Act shall not be included in such annual income.

(iv) the whole of the average net annual income from royalty on ordinary minerals, to which proviso (1) to section 38 of the Land Revenue Code is applicable, derived by the inamdar during a period of five years immediately preceding the date of vesting;

(v) the whole of the average net annual income derived from royalty on other minerals and mining leases derived by the inamdar during a period of five years immediately preceding the date of vesting, provided the right to such minerals or mines was expressly conferred on the inamdar by a competent authority and such right was recognised under section 38 of the Land Revenue Code;

(vi) the whole of the average net annual income derived by the inamdar from ferries during a period of five years immediately preceding the date of vesting provided the right to such ferries was

expressly granted to the inamdar by a competent authority.

(2) Where the particulars necessary to compute the average net annual income under clause (ii), (iii), (iv), (v) or (vi) of sub-section (1) are not available for the full period or where the particulars available appear in material respects to be incorrect, the compensation may be made in such manner as may be prescribed.

Jodi, etc., to be deducted.

19. From the aggregate of the sums referred to in clauses (i) to (vi) of sub-section (1) of section 18, ascertained as aforesaid, there shall be deducted—

(*a*) the whole of the jodi, quit-rent or other amount, if any, of a like nature, payable annually by the inamdar to the Government; and

(*b*) the annual remuneration payable to village officers at the scales prescribed by the Government by or under the Mysore Village Offices Act, 1908, whether such officers were employed by the inamdar or not.

Compensation payable except in cases governed by section 21.

20. The total compensation payable in respect of any inam village shall, except in cases governed by section 21, be the aggregate of the sums specified below :—

(*a*) Compensation for loss of income determined in accordance with the following scale :—

(i) where the basic annual sum does not exceed Rs. 1,000—25 times such sum ;

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000—20 times such sum or Rs. 25,000 whichever is greater ;

(iii) where the basic annual sum exceeds Rs. 3,000—15 times such sum or Rs. 60,000 whichever is greater ;

(*b*) Upset price of lands in respect of which a quasi-permanent tenant is registered as an occupant, equal to ten times the average net annual income derived by the inamdar from such lands during the period of six years prior to the first day of July, 1948 ;

(*c*) Compensation in respect of cultivable lands which vest in the Government, equal to ten times the

annual land revenue assessment payable in respect of such lands:

Provided that in respect of any village where survey and settlement has not been introduced under section 113 of the Land Revenue Code, the land revenue assessment shall be deemed to be equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

Payment of tasdik allowance to religious, educational and charitable institutions.

21. (1) Where an inam village or share thereof was held immediately before the date of vesting by any religious, educational or charitable institution, the Government shall pay to the institution every year as tasdik allowance the average net annual income derived by the institution from all sources in the village, as calculated in the prescribed manner, during the five complete years immediately preceding the date of vesting or during that portion of those years in which the village was held by the institution:

Provided that the value in money of any produce in kind derived from lands of which the institution is registered as an occupant under sub-section (2) of section 8 shall not be included in calculating the average net annual income under this sub-section.

(2) Payment shall be made to the institution under sub-section (1) so long as it exists.

Determination of basic annual sum and of total compensation.

22. (1) The Deputy Commissioner shall determine in accordance with such of the foregoing provisions as may be applicable to the village:

(*a*) the basic annual sum in respect thereof; and

(*b*) except in the case governed by section 21, also the total compensation payable in respect of the village.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the

applicant; and he shall also, before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

Compensation, etc., to be paid in prescribed manner.

23. The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under section 21, may be paid in such form and manner and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.

Notice to persons interested in compensation.

24. (1) As soon as may be after the date of vesting, the Deputy Commissioner shall—

(*a*) publish copies of the notification under section 3 at a convenient place in and in the vicinity of the village;

(*b*) cause public notice to be given at a convenient place in or near, the village requiring that claims of all persons interested in the compensation or in any portion thereof, including the inamdar, the members of his family claiming any such portion, whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of, or as a charge on, the village or any part thereof, shall be made to him together with the nature and particulars of such claims in person or by agent at a time and place therein mentioned such time not being earlier than thirty days from the date of publication of the notice.

(2) Every claim against the compensation which is not made to the Deputy Commissioner within the time aforesaid shall cease to be enforceable.

Apportionment of compensation by the Deputy Commissioner.

25. The Deputy Commissioner shall, after giving notice to all persons who claim under section 24 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons, who in his opinion, are entitled to

the compensation and the amount to which each of them is entitled.

Procedure for apportionment of compensation.

26. (1) As a preliminary to such determination, the Deputy Commissioner shall apportion the compensation among the inamdar and any other persons whose rights or interests in the village have passed to and vested in the Government under clause (*b*) of section 4 including persons who were entitled to be maintained from the village and its income, as far as possible, in accordance with the value of their respective interests in the village.

(2) The value of the interests shall be ascertained in accordance with such rules as may be made by the Government in this behalf.

Claims of creditors.

27. (1) After the compensation has been apportioned among the persons referred to in section 26, or where it is more convenient so to do, pending the apportionment, the Deputy Commissioner shall take into consideration the applications of the secured creditors referred to in section 24, and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

(2) The amount of compensation payable to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed, the amount of compensation payable in respect of the inam village or portion thereof.

Devolution of interest in compensation.

28. Where it is alleged that the interest of any person entitled to receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Deputy Commissioner shall determine whether there has been any devolution of the interest and, if so, on whom it has devolved.

CHAPTER IV.

APPEALS, REFERENCES AND REVISION.

Constitution of Special Tribunals for certain purposes and their powers.

29. (1) The State Government shall constitute as many Special Tribunals as may be necessary for the purposes of this Act.

(2) Each Special Tribunal shall consist of an officer who is or has been a District Judge.

(3) Each Special Tribunal shall hold its sittings at such times and places, and shall, have such jurisdiction and over such local areas as the Government may by notification from time to time, determine.

(4) No order of the Government constituting a Special Tribunal under this section shall be called in question in any manner whatsoever.

(5) The Special Tribunal shall have the same power regarding summoning and attendance of witnesses and compelling the production of documents as a civil court has under the Code of Civil Procedure, 1911.

Appellate Tribunal.

30. (1) The Appellate Tribunal shall consist of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf.

(2) Where the members of the Appellate Tribunal are agreed in their opinion, their decision shall be final. Where the members are divided in their opinion, the case with their opinion thereon, shall be laid before another Judge of the High Court nominated for the purpose by the Chief Justice and such Judge shall hear the case as a *persona designata* and his decision shall be final.

Appeal from orders under sections 10 and 11 and references to the prescribed authority.

31. (1) Any person aggrieved by a decision of the Deputy Commissioner under section 10 or 11 may, within thirty days from the date of the decision, or such further time as the prescribed authority may in its discretion allow, appeal to the prescribed authority, and its decision shall be final.

(2) If any question arises whether any building or land falls within the scope of sub-section (1), (2), (3) or (4) of section 12, it shall be referred to the prescribed authority whose decision shall be final.

References to the Special Tribunal.

32. The Deputy Commissioner may for reasons to be recorded in writing, either *suo motu*, or on the application of any person interested in the compensation, refer any case relating to the apportionment of compensation to the decision of the Special Tribunal.

Appeals to the Special Tribunal.

33. Any person aggrieved by any decision of the Deputy Commissioner under section 25, 26, 27 or 28 may, within thirty days from the date of decision, or such further time as the Special Tribunal may in its discretion allow, appeal to the Special Tribunal.

Powers of the Appellate Tribunal.

34. (1) Any person aggrieved by any order of the Deputy Commissioner made under sub-section (1) of section 22 or by any decision of the Special Tribunal under section 32 or section 33 may within three months from the date of the order or decision, or such further time as the Appellate Tribunal may in its discretion allow, appeal to the Appellate Tribunal; and the Appellate Tribunal shall pass such order on the appeal as it thinks fit.

(2) The Appellate Tribunal may also in its discretion at any time either *suo motu* or on the application of any person, call for and examine the records of any order passed or proceedings taken by the Deputy Commissioner (except those referred to in section 31) or by the Special Tribunal under this Act for the purpose of satisfying itself as to the legality, regularity or propriety of such order, decision or proceeding and pass such order in reference thereto as it thinks fit:

Provided that the basic annual sum or the total compensation payable in respect of any inam village shall not be altered by the Appellate Tribunal without giving every inamdar concerned and every person who has made an application under sub-section (2) of section 22 a reasonable opportunity of being heard.

(3) Save as otherwise provided in this Act, no order passed by the Deputy Commissioner or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the Appellate Tribunal as aforesaid or to be questioned in any Court of Law; and no order passed by the Appellate Tribunal under sub-sections (1) and (2) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any Court of Law.

4182

CHAPTER V.

MISCELLANEOUS.

Collection of arrears of rent which accrued before the date of vesting.

35. After the date of vesting, the inamdar shall not be entitled to collect any rent or land revenue which accrued due to him from any tenant or holder of a minor inam before, and is outstanding on, that date, but the Deputy Commissioner shall be entitled to collect all such rents and any interest payable thereon together with any costs which may have been decreed as if they were an arrear of land revenue; and all amounts so collected after deducting ten per cent thereof on account of collection charges shall be paid to the inamdar:

Provided that where the tenant or the holder of the minor inam—

(*a*) has paid before the date of vesting, or

(*b*) pays within one year from such date,

the arrears due for the two years immediately preceding the date of vesting and any interest payable thereon together with any costs which may have been decreed, then, all arrears due from such tenant in respect of the years prior to the said two years, including interests and costs, if any, shall be deemed to have been completely discharged.

Inamdar to be registered as occupant of cultivable lands in certain cases.

36. (1) If the Government is unable to grant for cultivation, any cultivable lands which vest in them, within a period of one year from the date of vesting, they shall register the inamdar as the occupant of such lands; and on such registration,

(*a*) the inamdar shall not be entitled to the compensation specified in clause (*c*) of sub-section (1) of section 20 in respect of such lands; and

(*b*) if the compensation in respect of such lands has already been paid, the inamdar shall be liable to pay the amount of compensation to the Government within such period as may be prescribed; and in default of such payment, such amount shall be recoverable from the inamdar as an arrear of land revenue.

(2) On the registration of the inamdar as the occupant of any land under sub-section (1), the right, if any, in

such land of any person enforceable against the Government under section 14, shall, from the date of such registration be enforceable against such inamdar.

(3) Nothing in this section shall apply to cultivable lands in an inam village which immediately before the date of vesting, was held by a religious, educational or charitable institution.

Enquiries by the Deputy Commissioner.

37. (1) The Deputy Commissioner may by general or special order authorise any officer subordinate to him to hold enquiries on his behalf, under this Act.

(2) In respect of every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1), the provisions of the Land Revenue Code, relating to formal enquiry shall apply as if such enquiry is a formal enquiry under the said Code.

Fees payable on applications, petitions, etc., under the Act.

38. Notwithstanding anything contained in the Mysore Court-fees Act, 1900, or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

Applicability of provisions of the Act to Sringeri and Yelandur Jahagirs.

39. (1) The provisions of this Act shall apply to the Sringeri Jahagir or Yelandur Jahagir as if the said Jahagir is an inam village.

(2) The provisions of sections 18 and 19 shall, in their application to the Yelandur Jahagir, be subject to the following modifications, namely :—

(*a*) for clauses (ii) to (vi) of sub-section (1) of section 18, the following clause shall be substituted, namely :—

"(ii) the whole of the average net annual income from all sources (other than the income from land revenue and excise) during a period of five years immediately preceding the date of vesting."

(*b*) for section 19, the following section shall be substituted, namely :—

"19. From the aggregate of the sums referred to in clauses (i) and (ii) of sub-section (1) of section 18, ascertained as aforesaid, there shall be

deducted, the annual expenditure incurred on the management of the Jahagir."

(3) With effect from the date of vesting of the Yelandur Jahagir in the State, the Yelandur Jahagir Act, 1885, shall stand repealed.

Jurisdiction of courts barred in certain cases.

40. (1) No suit, prosecution or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (*a*) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(*b*) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions, imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, after the expiry of six months from the date of the act complained of.

Repeal of Mysore Act XII of 1950.

41. With effect on and from the date of vesting, the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, shall be deemed to have been repealed in its application to the inam village.

Power to make rules.

42. (1) The Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) all matters expressly required or allowed by this Act to be prescribed ;

(*b*) the procedure to be followed by the Deputy Commissioner, Special Tribunals, Appellate

Tribunal, authorities and officers appointed, or having jurisdiction, under this Act;

(*c*) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf is made herein;

(*d*) the application of the provisions of the Code of Civil Procedure, 1911, and the Mysore Limitation Act, 1911, to applications, appeals and proceedings under this Act.

(3) All rules made under this section shall be published in the *Mysore Gazette* and on such publication shall have effect as if enacted in this Act.

Penalties.

43. (1) If any person wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Deputy Commissioner of charge or possession of any property which has vested in the State under this Act or furnishes information which he knows or has reason to believe to be false or does not believe to be true, he shall, on conviction by a magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Power to remove difficulties.

44. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

Statement of Objects and Reasons.

The abolition of inams and jahagirs in the State is being urged in the Legislature from a long time. A resolution recommending introduction of legislation for the purpose was moved in the Legislative Council in January, 1948, and the State Government promised to have the question examined by a Committee.

97 486

A Committee was constituted in August, 1948, to examine the several issues connected with the revision of the land revenue system in the State and make its recommendations; one of the terms of reference to the Committee was to consider the feasibility of simplifying the land tenures by the abolition of Jodi, Inam and Jahagir tenures and to recommend the principles for the payment of fair compensation in respect of each class. The recommendations contained in the report of the Committee on this question have been considered, and it is found desirable to abolish the inam tenure of inam villages at first so that most of the longstanding tenants of the inamdars can be registered as occupants of lands held by them. Hence the Bill.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and
Secretary to Government,
Law Department.